

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FRIEDA ZIEDEL, individually and on behalf of a)
class of similarly situated individuals,)

Plaintiff,)

v.)

NATIONAL GAS & ELECTRIC, LLC, a Texas)
limited liability company,)

Defendant.)

Case No.: _____

DEFENDANT'S NOTICE OF REMOVAL

Defendant National Gas & Electric, LLC ("Defendant"), by and through the undersigned counsel, hereby removes Case No. 2018-CH-11115, *Frieda Ziedel vs. National Gas & Electric, LLC*, an action pending in the Circuit Court of Cook County, Illinois, County Department, Chancery Division ("State Court Action"), to the United States District Court for the Northern District of Illinois, Eastern Division. Defendant removes the State Court Action under 28 U.S.C. §§ 1331, 1441, and 1446, on the factual and legal grounds discussed below.

I. Background

1. On August 31, 2018, Plaintiff Frieda Ziedel ("Plaintiff") filed a putative class action complaint against Defendant in the Circuit Court of Cook County, Illinois, County Department, Chancery Division, entitled *Frieda Ziedel vs. National Gas & Electric, LLC*, Case No. 2018-CH-11115.

2. Defendant was served with a copy of the Summons and Complaint on or about September 7, 2018. (Exhibit A).

3. Plaintiff alleges that Defendant “made unsolicited and unauthorized telephone calls advertising its energy services using an automatic telephone dialing system[.]” (Exhibit A at ¶ 25). Plaintiff’s Complaint contains only one count—an alleged violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 et seq. (Exhibit A at ¶ 28 (“Defendant has, therefore, violated the TCPA, 47 U.S.C. § 227(b)(1)(A)(iii).”)).

4. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as the claim contained in the Complaint arises under the Constitution, laws, or treaties of the United States. *Mims v. Arrow Financial Services, LLC*, 565 U.S. 368 (2012).

II. Venue

5. The State Court Action is being removed from the Circuit Court of Cook County, Illinois, County Department, Chancery Division, which is within the Northern District of Illinois, Eastern Division.

III. Procedure for Removal

6. Defendants were served with the Summons and Complaint on September 7, 2018. (See Exhibit A.) This Notice of Removal is timely because it is being filed within 30 days of Defendant’s receipt of the Summons and Complaint, and within one year of the commencement of this action. 28 U.S.C. § 1446(b)-(c); *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (explaining that the time for filing a notice of removal does not run until a party has been served with the summons and complaint under the applicable state law).

7. Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly provide written notice of removal of this action to Plaintiff, and will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois.

8. A copy of all process, pleadings, and orders served upon Defendant, is attached hereto as Exhibit A in accordance with 28 USC § 1446(a).

9. For all of the foregoing reasons, this Court has original jurisdiction over this lawsuit pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 and removal is proper.

WHEREFORE, Defendant respectfully request that the above action now pending in the Circuit Court of Cook County, Illinois, County Department, Chancery Division, Case No. 2018-CH-11115, be removed to the United States District Court for the Northern District of Illinois.

Dated: October 9, 2018

Respectfully Submitted,

/s/ William J. Kraus

William J. Kraus
william.kraus@morganlewis.com
Morgan, Lewis & Bockius LLP
77 West Wacker, Suite 500
Chicago, IL 60601
(312) 324-1000

Michelle D. Pector
michelle.pector@morganlewis.com
Jared Wilkerson
jared.wilkerson@morganlewis.com
Morgan, Lewis & Bockius LLP
1000 Louisiana, Suite 4000
Houston, TX 77002
(713) 890-5455
Pro Hac Vice Forthcoming

Ezra D. Church
ezra.church@morganlewis.com
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103
(215) 963-5000
Pro Hac Vice Forthcoming

*Attorneys for Defendant National Gas &
Electric, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2018, the foregoing was filed with the Clerk of the Court using the CM/ECF system and served upon the following by United States Mail, postage prepaid and via electronic mail:

William P.N. Kingston
McGuire Law, P.C.
55 W. Wacker Drive, 9th Fl.
Chicago, IL 60601
wkingston@mcgpc.com

Attorney for Plaintiff Frieda Ziedel

/s/ William J. Kraus
William J. Kraus